

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

Sheila Vincent,

Plaintiff,

v.

Piedmont Community Action,

Defendant.

ORDER

CA No.: 7:13-cv-1135-TMC

This matter came before me on Plaintiff's Motion to Compel Responses to Discovery and Plaintiff's Motion to Extend the deadlines in the scheduling order due to the delay caused by the Defendant's failure to respond to discovery.

The Plaintiff presented evidence that Defendant failed to properly respond to the discovery requests in violation of Federal Rules 26, 33, 34, and 37.

Defendant's counsel acknowledged this failure to respond and represented to the Court that the delay was due to various matters that Defendant was working on other than this case and the distance between counsel for Defendant and Defendant's office. The Court found that these reasons were not reasonable or justifiable explanations for the delay pursuant to the Federal Rules pertaining to discovery.

At the hearing, Defendant's counsel represented to the Court that responses to the initial discovery propounded by Plaintiff were being provided; including responses to requests for production and interrogatories.

Pursuant to the Federal Rules, the Court found that the Plaintiff was entitled to attorneys fees and costs for the time spent on the Motion to Compel and hearing. Plaintiff's counsel stipulated that this issue be held in abeyance until further Order of the Court.

The parties discussed an extension of the remaining deadlines in the scheduling Order. The parties have agreed that the deadline for discovery shall be January 31, 2014; the deadline for Dispositive Motions shall be February 15, 2014; the deadline for mediation shall be February 15,

2014; the deadline for Rule 26(a)3 Pretrial disclosures and Records Custodian Affidavits shall be March 2, 2014; and the Jury selection deadline shall be March 15 2014.

Wherefore, it is ordered, judged and decreed that:

1. Defendant shall respond in full to all Plaintiff's discovery before December 20th;
2. Plaintiff's entitlement to attorneys fees is held in abeyance until further order of this Court;
3. If the Defendant intends to respond to the Requests for Admission issued by Plaintiff, Defendant shall submit its response to Plaintiff by December 20th. Provided, however, this Order shall be without prejudice to the right of the Plaintiff to move for an Order of the Court providing that any matter for which no such response was received by Plaintiff prior to November 31st be deemed admitted for purposes of this litigation.
4. The scheduling Order shall be modified as outlined above and in the revised scheduling Order submitted by the parties.

s/Timothy M. Cain  
Timothy M. Cain  
United States District Judge

Anderson, South Carolina

December 17, 2013